



**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Applicant : Takako Hirose, et al.
Appln. No. : 09/622,656
Filed : October 30, 2000
Title : SYSTEM FOR DELIVERING MESSAGE AND PROCESSING THE
MESSAGE ON SERVER BASED ON INSTRUCTION FROM
THE CLIENT AFTER THE MESSAGE DELIVERING COMPLETED

Conf. No. : 2705
TC/A.U. : 2154
Examiner : Jinsong Hu

Customer No. : 116
Docket No. : 32911

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This reply brief is filed in response to an Examiner's Answer, which was mailed on September 20, 2006. Therefore, the two-month period for filing this reply brief pursuant to 37 CFR § 41.41(a)(1) expires on November 20, 2006.

If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 16-0820, our Order No. 32911.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Aaron A. Fishman

Name of Attorney for Applicant(s)

A handwritten signature of Aaron A. Fishman in cursive script.

Signature of Attorney

November 20, 2006

Date

STATUS OF CLAIMS

Claims 1-6 stand rejected by the Office Action of February 4, 2005 and are forthwith appealed to the Board of Patent Appeals and Interferences.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-6 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,314,454 to Wang et al. (hereinafter “‘454’”) in view of U.S. Patent No. 6,175,858 to Bulfer et al. (hereinafter “‘858’”).

ARGUMENT

Applicants have argued that neither the ‘454 patent nor the ‘858 patent teaches or suggests “a message start notification means for sending said notification to the client system in response to arrival of the succeeding message at the server,” as required.

In response, the Examiner points to col. 2, lines 44-55 of the ‘858 patent and asserts that the ‘858 patent “does teach the step of sending said notification to the client system in response of a message” (Examiners Answer, page 6). It is noted that, in making this assertion, the Examiner relies on the “user” being a part of the client system.

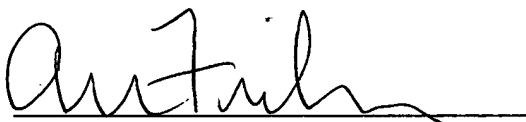
Nonetheless, the Examiner has failed to appreciate that claim 1 recites that “*said* notification” is sent to the client system, referring back to an earlier limitation of the claim. Specifically, claim 1 requires that the same “notification” that is sent to the client system is used by the client system in requesting that the message be transmitted by the server. Specifically, claim 1 recites at lines 2-5: “a client system acquiring a delivery message from a server unit by requesting to transmit the delivery message stored in the server unit *in compliance with a notification from the server unit.*” Thus, as set forth in claim 1, the “notification” is sent by the

server to the client system in response to the arrival of a delivery message, *and then* the client system requests transmission of the delivery message *in compliance with* the same “notification.”

The teachings of the ‘858 patent cited by the Examiner only disclose a “notification” being sent to the user via some means (e.g. paging the user, calling the user, etc.) *to inform the user of a new message*. This “notification” in the ‘858 patent is not used in any way by a client system. Specifically, there is no disclosure or suggestion in the ‘858 patent that the “notification” causes any client system to take in action in order to comply with the notification. It must therefore be concluded that there is no disclosure or suggestion in the ‘858 patent of a server which sends a notification to a client system in response to arrival of a message at the server *and* that the client system requests transmission of the delivery message *in compliance with said notification*, as required by claim 1.

Therefore, for at least the aforesaid reasons, the Examiner has not established that each and every limitation of claim 1 is taught or suggest by the combination of references cited. Thus, a *prima facie* case of obviousness has not been made which it sufficient to maintain a rejection under 35 U.S.C. 103(a). For at least this reason it is again respectfully requested that the rejection be reversed.

Respectfully submitted,
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